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# **Laws of Montana**

**RELATING TO**

# **Stock and Agriculture**

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**PUBLISHED BY THE**

**State Board of Stock Commissioners.**

**1901**



# Laws of Montana Relating to Stock and Agriculture.

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## Board of Stock Commissioners.

### Political Code.

Sec. 2950. The Governor is authorized to nominate, and by and with the consent of the Senate, appoint a Board of Stock Commissioners, of one member from each county in the State, and such Stock Commissioners, upon entering upon their duties, must take the constitutional oath of office, which oath must be filed in the office of the Secretary of State.

Sec. 2951. Each member of said Board so appointed must be the owner of cattle or horses in the county for which he is appointed, and shall be a resident of such county. The Stock Commissioners shall hold office for two years, or until their successors are appointed and qualified, and in case of vacancy from death, resignation or removal, the Governor must appoint to fill such vacancy.

Sec. 2952. The Board may divide the State into as many districts as is necessary.

Sec. 2953. The Board must organize by electing one of their number president, and appoint a secretary.

Sec. 2954. The Stock Commissioners and their secretary receive no compensation or mileage for their services, but must be allowed their actual expenses incurred by them in the performance of their duties.

Sec. 2955. It is the duty of the Board to exercise a general supervision over, and so far as may be, protect the stock interests of the State from theft disease, and devise and recommend from time to time such legislation as in their judgment will foster this industry. The Board may take all necessary and lawful steps, procure all necessary and lawful process for the attendance of witnesses, and employ counsel to assist in the prosecution of any person as hereinbefore provided, and it is the duty of

the Board, when necessary, to assist in the prosecution of any person guilty of any offense against the laws of this State in feloniously branding or stealing any stock, or any other crime, or misdemeanor, under any of the laws of the State for the protection of the rights and interests of stock owners, and it is the duty of the Board to make rules and regulations governing the recording and use of live stock brands.

Sec. 2956. It is the duty of the Board to audit all bills for expenses incurred under the provisions of this Chapter, and if found correct, to certify the same and the warrant drawn by the State Auditor, on the State Treasurer in favor of the party or parties entitled thereto for the amounts so certified, shall be drawn on the Stock Inspector and Detective Fund.

Sec. 2957. The Board must make an annual report in writing to the Governor on the 31st day of December, and must state therein all the transactions of the Board for the previous year.

Sec. 2958. The Board shall cause to be published in at least two newspapers or journals of general circulation in this State, one of said journals or newspapers to be published in the city of Helena, and the other in the city of Billings both to be selected by the Board with a view to affording the greatest publicity to the stockmen of the State; a list of all stray cattle and horses sold during the preceding year, the proceeds of which shall remain unclaimed in the possession of the Board on the first day of May of each year, such publication to be in the first issue of such journals after the said first day of May and to continue through four consecutive issues; and a copy of such publication or list shall also be filed with the County Clerk of the respective Counties of this State. Said list shall describe each animal by its kind, sex, marks and brands, and weight, if known, and shall state opposite such description the net amount of money received by the Board therefor.

The expense incurred in publishing and filing said notices shall be a charge against the moneys included in the advertisement, and shall be paid by deducting from the amount due each owner such part of said expense as the amount due each owner bears to the entire amount included in the notice.

## Stock Inspectors.

### Political Code.

Sec. 2970. The Board of Stock Commissioners may appoint such Stock Inspectors and detectives as are necessary for the protection of the live stock interests of the State, and the inspectors and detectives have the same power as sheriffs to summon a posse when necessary, and to make arrests. The Stock Inspectors and detectives may, when deputized by the sheriff, exercise the powers of deputy sheriff, but must not receive any fee or emolument therefor from the State or any county.

Sec. 2971. The Stock Inspectors and detectives must each make and execute a bond with two sufficient sureties, in the sum of one thousand dollars, to the State, conditioned for the full and faithful performance of their duties, said bond to be approved by and filed with the Secretary of State, and each must take and subscribe the constitutional oath of office.

Sec. 2972. It is the duty of the Stock Inspectors and detectives to arrest all persons who in their presence violate the stock laws of the State, and every Stock Inspector and detective, upon information that any person has committed any offense against the laws of the State in feloniously branding or stealing any stock, or any offense against the laws of the State, for the protection of the rights and interests of stock owners, must make the necessary affidavit for the arrest and examination of such person, and upon warrant issued therefor, immediately arrest such person, and bring him before the proper officer and notify the Board of his acts.

Sec. 2973. The Stock Inspectors and detectives are under the exclusive control and direction of the Board, and must be paid for their services such sums as may be agreed upon by the Board, out of the fund hereinafter provided for, but in no case must they receive any mileage.

Sec. 2974. Whenever a mark or brand upon any neat cattle, horse or other animal, has been fraudulently altered, obliterated, or defaced, so that the original mark or brand can not be determined through the external inspection thereof, any Stock Inspector or sheriff may seize and kill said animal to ascertain the mark or brand so altered or defaced, upon paying to the owner the value of said animal.

Sec. 2975. The value of the animal so taken and killed shall be determined by three disinterested parties living in the vicin-

ity where the animal is seized, and the tender of the valuation so made to the owner shall be full compensation on account of the loss of said animal. All sums of money disbursed as herein provided shall be paid out of the Stock Inspector and Detective Fund, and whenever possible the dead bodies of the animals killed shall be disposed of for cash, and the proceeds turned into said Fund.

Sec. 2976. Should the owner of the animal so seized and killed feel dissatisfied with the valuation made, he may maintain an action against said officer seizing said animal, and should he fail to recover damages in any greater amount than that allowed under Section 2975, he shall bear all costs that may be incurred in the maintenance of said action.

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### Defacing Brands.

Penal Code.

Sec. 648. Every person who marks or brands, alters or defaces the mark or brand of any horse, mare, colt, jack, jennet, mule, bull, ox, steer, cow, calf, sheep, goat, hog, shoat or pig belonging to another with intent thereby to steal the same, or to prevent identification thereof by the true owner, is punishable by a fine not exceeding five hundred dollars, or imprisonment in the State prison not exceeding five years, or both.

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### Grand Larceny.

Penal Code.

Sec. 883. Grand larceny is larceny committed in either of the following cases:

1. When the property taken is of a value exceeding fifty dollars.
2. When the property is taken from the person of another.
3. When the property taken is a stallion, mare, gelding, colt, foal or filly, cow, steer, bull, stag, heifer, calf, mule, jack, jenny, goat, sheep or hog.
4. If any person or persons shall steal, or, with intent to steal, shall take, carry, drive, lead or entice away, any mare, gelding, stallion, colt, foal or filly, mule, jack or jenny, ox, cow, bull, stag, heifer, steer, calf, sheep, goat or hog, being the property of another, he or they shall be deemed guilty of grand larceny; and shall be liable to the person or persons whose property is so



stolen, for the said property, or the value thereof, and for any expenses by him or them incurred in endeavoring to make reclamation thereof.

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### **Butchers and Parties Slaughtering Cattle.**

Penal Code.

Sec. 1186. Every person who is a butcher and who slaughters cattle in this State, and fails to keep a true and correct record of all marks and brands of the cattle slaughtered by him, the name of the person from whom said cattle were bought, his residence and the date of the purchase and delivery of the cattle, or fails to keep such record open for inspection at his place of business, or failson or before the 1st day of each month to file a verified copy of such record in the office of the justice of the peace nearest his place of business, and another verified copy in the office of the county clerk of the county in which he resides, and every person slaughtering cattle who does not keep the hide, with the ears attached, for ten days after the slaughter of such animal, at his place of business or residence, or who does not exhibit such hide upon demand of any person, is punishable by a fine not exceeding five hundred dollars, or by punishment in the county jail not exceeding six months, or both.

Sec. 1188. Every person, except a licensed butcher, who offers to sell or sells any beef and fails to expose to the purchaser the hide of the animal to be sold or sold, and does not keep such hide for ten days after the sale at his place of residence, or refuses to allow the same to be inspected by any other person, is punishable by imprisonment in the county jail not exceeding three months, or by fine not exceeding one hundred dollars, or both.

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### **Using Illegal Brands.**

Penal Code.

Sec. 1190. Every person who, for the purpose of branding horses or cattle, uses as a brand a sash, frying pan or any device whatsoever, which can be employed or used to obliterate a brand, and every person who shall use any unrecorded brand which is an infringement upon any recorded brand, or who shall use a like brand in the same position or place recorded by another, is punishable by a fine not exceeding two hundred dollars, or imprisonment in the county jail not exceeding sixty days, or both.

## Levy of Tax.

Political Code.

Sec. 2990. The Board of County Commissioners of each county must, at the time of making the annual assessment, levy a special tax of one and one-half mills on the dollar upon the assessed valuation of all cattle, horses, mules and asses, in their respective counties, which must be collected as other taxes upon like property, and when so collected, must be paid to the State Treasurer, who must keep the same as a separate fund, to be known as the "Stock Detective and Inspector Fund," which fund must be used in defraying the expenses incurred under the provisions of this Chapter. The expenses in any year under the provisions of this Chapter must in no case exceed the special tax levy for that year.

Sec. 2991. The Stock Inspectors and detectives are district officers and the Board must designate the district in which the inspectors and detectives shall serve, and the district must be designated in their commissions.

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## Recording of Brands.

Political Code.

Sec. 2940. The Secretary of the Board of Stock Commissioners is the general recorder of Marks and Brands.

Sec. 2941. Whenever any person wishes to record a brand or mark, application may be made to the General Recorder of Marks and Brands directly, who must designate the particular brand, or mark and brand, to be used by the applicant, defining the position on the animal upon which the brand shall be placed.

The General Recorder of Marks and Brands must keep a record, in a book kept by him for that purpose, of all brands and marks that may be recorded by him, with the name and residence of the persons recording same, which said record book shall be open to the inspection of the public, and he must also furnish to the owners of recorded brands a certified copy of the record of same, which certificates are prima facie evidence of the ownership of the brand or mark so recorded. The General Recorder of Brands and Marks may charge and receive from each person recording a brand, or mark and brand a fee of two dollars for each brand, or mark and brand so recorded.

Sec. 2942. The General Recorder of Marks and Brands shall



annually have published, as an appendix to the report of the Board of Stock Commissioners to the Governor, a list of all brands, or marks and brands which have not been previously published, and cause the same to be printed and illustrated at his own expense, a sufficient number of copies in pamphlet form for free distribution to those engaged in stock raising.

Sec. 2943. Every person who sells horses, mules or cattle, must vent or counter-brand such animals, and said vent or counter-brand must be upon the same side of the animal as the original brand and must be a fac simile of the original brand, except that it may be reduced one-half in size, and the venting of said original brand shall be prima facie evidence of sale or transfer of said animal or animals so vented.

Sec. 2944. All persons slaughtering cattle must keep the hides, with the ears attached, for ten days, and persons having such hides in their possession must exhibit the same for examination, upon demand being made by any person. Any person who shall fail to observe the provisions of this section shall be punished as provided in Section 1186 of the Penal Code.

Sec. 2945. All persons who are butchers and who slaughter cattle, must keep a record of the marks and brands of the cattle slaughtered by them in a book, subject at all times to the inspection of the public, in which must be recorded the name of the person from whom the cattle are purchased, together with his residence and date of purchase and delivery, and on or before the 1st day of each month must make two copies of such record and make affidavit to the correctness of the same, one of which to be filed in the office of the nearest justice of the peace, and the other in the office of the county clerk, and any person who shall fail to observe the provisions of this Section shall be punished as provided in Section 1186 of the Penal Code.

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### Rules Governing Recording of Brands.

Rules and regulations for the recording of Brands and Marks in the State of Montana. Passed by Board of Stock Commissioners, March 22, 1887, under authority conferred upon them by law, approved March 9, 1887.

1. For the purpose of recording brands and marks, animals shall be divided into the following classes: 1. Cattle. 2. Horses, mules and asses. 3. Sheep, swine and goats.

2. All persons making application for recording brands and

marks shall designate the class or classes for which said mark or brand is to be used.

3. No brand shall be recorded that conflicts with a recorded brand on the same position.

4. In order to transfer title to animals bearing recorded brands, the party selling shall vent, or cause to be vented, the brand with character same as original brand, but may be the same brand reduced not more than one-half in size and on the same side of the animal as original brand.

5. The addition of a bar, a letter, a figure, or a character to an existing recorded brand, in the same position and same side of animal, shall be considered an infringement on the priority of said brand, and shall not be recorded.

6. In the case of sheep, a person shall be allowed to record a brand on as many different places as for cattle, and in addition four places on the face, viz: either jaw, forehead or nose, also three places on back, viz: behind shoulders, on the loin and on the rump. A person is entitled to use a brand of either iron or paint or both in the same place. Said brands not to conflict one with another.

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### **Live Stock Killed or Injured by Railroads.**

Civil Code.

Sec. 950. Railroad corporations must make and maintain a good and sufficient fence on either or both sides of their track and property. In case they do not make and maintain such fence, if their engine or cars shall kill or maim any cattle or other domestic animals upon their line of road which passes through or along the property thereof, they must pay to the owner of such cattle or other domestic animals a fair market price for the same, unless it occurred through the neglect or fault of the owner of the animal so killed or maimed. Railroad corporations paying to the owner of the land through or along which their land is located an agreed price for making and maintaining such fence or paying the cost of such fence with the award of damages allowed for the right of way of such railroad, and relieved and exonerated from all claims for damages arising out of the killing

or maiming any animals of persons who thus fail to construct and maintain such fence; and the owners of such animals are responsible for any damage or loss which may accrue to such corporation from such animals being upon the railroad track, resulting from the non-constructing of such fence, unless it is shown that such loss or damage occurred through the negligence or fault of the corporation, its officers, agents or employes.

Sec. 951. Every railroad corporation or company operating any railroad, or branch thereof, within the limits of this State, which shall negligently injure or kill any horse, mare, gelding, filly, jack, jenny or mule, or any cow, heifer, bull, ox, steer or calf, or any other domestic animal, by running any engine or engines, car or cars, over or against any such animal, shall be liable to the owner of such animal for the damages sustained by such owner by reason thereof. The killing or injury shall be prima facie evidence of negligence on the part of such corporation or company.

Sec. 952. It shall be the duty of all railroad corporations or railroad companies operating any railroad within this State to keep their railroad track, and either side thereof, for a distance of one hundred feet on each side of the track or roadbed, so far as it passes through any portion of this State, free from dead grass, weeds or any dangerous or combustible material; and any railroad company or corporation failing to keep its railroad track and each side thereof free as above specified shall be liable for any damages which may occur from fire emanating from operating such railroad, and a neglect to comply with the provisions of this Section in keeping free any railroad track, and either side for a distance equal to the space of ground covered by the grant of the right of way for the railroad corporation or company, shall be prima facie evidence of negligence on the part of any such railroad or corporation. But no railroad corporation or company shall be required to keep free as above specified any land not a part of its right of way.

Sec. 953. It shall be the duty of any corporation, association, company, person or persons, owning, controlling or operating any railroad or branch thereof, in this State, to designate some station on the line of the same in each county through which it passes at which it shall keep a suitable book, and within thirty days after the killing or injury of any animal or animals, cause to be entered therein, the date when, and place where, the same

were killed or injured, as near as may be, together with a description thereof, including the age, color and sex of the same, and marks and brands upon the same as near as the same can be done, which said book shall be kept for the inspection of any person or persons claiming to be interested in the inspection thereof, and shall cause a notice of the station so designated to be filed with the county clerk of the county in which said station is situated.

Sec. 954. Any corporation, association, person or persons so owning, controlling or operating such railroad or branch thereof, failing to designate said station, file said notice, keep said book and make the entries as provided in the preceding section, shall be liable to the owner or owners of the animal or animals so killed or injured, whether negligently done or not, and the court or jury before whom any action is tried for the recovery of damages on account thereof, may, in its or their discretion, render verdict and judgment for the amount of the value of any such animal or animals so killed, or the amount of damages sustained by reason of any injury thereto.

Sec. 955. In case any corporation, association or company, person or persons, shall comply with the provisions of Section 953, of this Chapter, it shall be the duty of the owner or owners of any animal or animals killed or injured as aforesaid, or his agent, or their agent, within thirty days after information shall have reached him or them of the killing or injury of such animal or animals, to make affidavit of such ownership and the market value of the animal or animals so killed, or the amount of damages occasioned by such injury, and deliver the same to the person in charge of the said book or station so designated, and thereupon the said corporation, association, company, person or persons, shall have fifty days within which to pay the amount claimed, and no action shall be instituted for the recovery of the value of or damages to such animal or animals until the expiration of said time.

Sec. 956. If any corporation, association, company, person or persons, so owning, controlling, or operating any such railroad or branch thereof, shall kill or injure any animal or animals as aforesaid, and shall tender to the owner or owners thereof, or to his or their agent in that behalf, the amount which they shall deem to be the value thereof, or the damage thereto, as the case may be; or if said railroad, corporation, association, company,



person or persons, shall deposit with the Board of Stock Commissioners such amount for the owner or owners thereof; and such owner or owners, or his or their said agent, shall refuse to accept the same in settlement thereof, then such owner or owners shall pay all costs incurred in any action instituted, after such tender or deposit, to recover such value or damage, unless he or they shall recover therein more than the amount so tendered as aforesaid.

Sec. 957. If the owner or owners, or his or their duly authorized agent or agents of any animal or animals heretofore mentioned, shall drive the same upon the track of any such corporation, association, company, person or persons, with the intention to injure it or them, and such animal or animals shall be killed or injured, such owner or owners shall be liable for all injury or damage occasioned by reason of such act, and shall be punished as provided in the Penal Code.

Sec. 958. In all cases where any corporation, association, company, person or persons, shall be liable to the owners of any animal killed as provided in this Chapter, they shall be authorized to skin the same, and shall be entitled to the carcass and hide thereof, unless the owner or owners thereof shall claim the same, in which event the amount of the value thereof shall be deducted from the amount of damages which would otherwise be due. But in case such corporation, association, company, person or persons, so entitled thereto, shall take said carcass and hide, they shall skin such animal or animals and deposit the hide thereof at the station designated for keeping the book and making the entries hereinbefore provided for, during the space of sixty days, for the inspection of persons claiming to be interested therein.

Sec. 959. That any railroad, corporation or lessee, person, company or corporation operating any railroad in this State which may hereafter fence their right of way, shall make crossing through their fence and over their road bed along their right of way, every four miles thereof, or as near thereat as may be practicable.

Sec. 960. Such openings shall not be less than sixty feet in width. The said railroad company or lessee, person, company or corporation operating any railroad shall place cattle-guards on either side of the said openings, sufficient to prevent any cattle from entering upon the said right of way so inclosed.

Sec. 961. That the said railroad company, lessee, person or



company operating any railroad, in addition to the said openings, shall leave unfenced any places wherein the said railroad runs over trestles that are sufficiently high for cattle to go underneath the same.

Sec. 962. The provisions of this bill shall apply only to grazing country .

Sec. 963. Any railroad corporation or lessee, person, company or corporation operating any railroad in this State violating the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, in any court of competent jurisdiction, be fined in a sum not less than one hundred dollars and not more than five hundred dollars.

Penal Code.

Sec. 720. Except as otherwise provided, every person who violates any of the provisions of Chapter III, Title VIII, Part IV, Division I, of the Civil Code, relating to livestock killed or injured by railroads, is guilty of a misdemeanor.

Penal Code.

Sec. 1191. Every person who wilfully drives any animal upon any railroad track with intent to injure the corporation or persons owning the railroad, and such animal is killed or injured thereby, is punishable by imprisonment in the State prison not exceeding five years.

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### Prevention of Fires.

Section 1. That every railroad corporation operating its lines of road or any part thereof within this State, shall, between the fifteenth day of April and the first day of July in the year 1901, and each succeeding year thereafter, plough in a good and workmanlike manner, covering the sod well, upon each side of its line of road wherever it passes through a range or grazing country, a continuous strip of not less than six feet in width on each side of its track, as a fireguard, which said strip shall as near as practicable, run parallel with the line or lines of said railroad,—and in addition to such ploughing, said railroad company shall cause to be burned, between the first day of May and the fifteenth day of August of each year, all the grass and vegetation between the said ploughed strips and the tracks of said roads; Provided, that such fire guard so ploughed need not be constructed within the limits of any town, village or city, nor along the

line of such railroad whenever the same runs through the mountains or elsewhere where such ploughing would be impracticable; and provided further, that said fire guard or portion thereof, need not be ploughed on or through any lands which may be released from the operation of this Act by the Secretary of the Board of Stock Commissioners by his written certificate of release filed in the office of the Secretary of the State of Montana; provided further, that said ploughing be not less than one hundred (100) feet from the center of the railroad track on each side of same, where the right of way embraces such area as to permit of same.

Section 2. That if any railroad company fails to comply with the provisions of Section 1. of this Act, the Secretary of the Board of Stock Commissioners may cause the ploughing and burning therein provided for, to be done, and may in a suit to be brought in his name, as said Secretary, in any court of the State, recover double the amount of the cost of such ploughing and burning with reasonable attorney fees to be fixed by the court, and such railroad company shall be liable further for all damages caused by its failure to comply with this Act.

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### **Setting Fires.**

#### **Penal Code.**

Sec. 1071. Every person who carelessly sets fire to any timber, woodland or grass, except for useful or necessary purposes, or who at any time makes a camp fire, or lights a fire for any purpose whatever, without taking sufficient steps to secure the same from spreading from the immediate locality where it is used, or fails to extinguish such fire before leaving it, is punishable by imprisonment in the county jail not exceeding one year, or by fine not exceeding two thousand dollars, or both.

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### **Veterinary Surgeon, Stock Indemnity and Sheep, Including Tax Levies.**

#### **Political Code.**

Sec. 3000. The Governor is authorized to nominate, and by and with the advice and consent of the Senate, appoint a competent veterinary surgeon who is known as the "State Veterinary Surgeon," who holds his office for two years, and must execute a bond in the sum of five thousand dollars, and who, before entering on his duties, must take and subscribe the oath of office prescribed by the Constitution.

Sec. 3001. The duties of the State Veterinary Surgeon are—

1. To investigate all cases of contagious and infectious diseases among cattle, horses, mules and asses, in this State, of which he may have a knowledge, or which may be brought to his notice by any resident in the locality where such disease exists; and, in the absence of specific information, to make visits of inspection to any locality where he may have reason to suspect that there is any contagious or infectious diseases.

2. To inspect, under the regulations of this Article, all such animals, which may be brought into this State, in any manner whatever, from or through such State, Territory or foreign country, as the Governor may declare by proclamation, upon the recommendation of the Board of Stock Commissioners, or otherwise, must be held in quarantine for the purpose of inspection for contagious or infectious diseases.

Sec. 3002. After the making of such proclamation the owner, or person in charge, of any such animals, arriving in this State from or through any State, Territory or foreign country, against which quarantine has been declared, must notify the State Veterinary Surgeon without delay, and must not allow such animals to leave the place of arrival until they have been examined by the Veterinary Surgeon, and his certificate obtained that all such animals are free from disease; and no animal pronounced unsound from disease by the Veterinary Surgeon must be turned loose, allowed to run at large or removed or permitted to escape, but must be held subject to the order of the Veterinary Surgeon. Any person failing to comply with the provisions of this Section is punishable as provided in Section 1174, of the Penal Code, and is liable for any damage and loss that may be sustained by any person by reason of the failure of such owner to comply with the provisions of this Section.

Sec. 3003. The owner of such animals, ridden under the saddle or driven in harness into this State, or under yoke, and any person coming into this State with his own team or teams, is not required to notify the Veterinary Surgeon, or await the inspection of the animals, but he is liable for all loss or damage to any person by reason of any contagious or infectious disease brought into the State by his animals; and no such animals must be held in quarantine for a longer period than ninety days, unless contagious or infectious disease is found to exist among them.

Sec. 3004. In all cases of contagious or infectious disease

among domestic animals or Texas cattle in this State, the Veterinary Surgeon has authority to order the quarantine of the infected premises, and in case such a disease becomes epidemic in any locality in this State the Veterinary Surgeon must immediately notify the Governor, who must thereupon issue his proclamation forbidding any animal of the kind among which such epidemic exists to be transferred from said locality without a certificate from the Veterinary Surgeon showing such animal to be healthy. The expense of holding, feeding and taking care of all animals quarantined under the provisions of this Article, must be paid by the owner, agent or person in charge of such animals.

Sec. 3005. In case of any epidemic disease where premises have been previously quarantined by the Veterinary Surgeon, as before provided, he is further authorized and empowered, when in his judgment necessary, to order the slaughter of any and all such diseased animals upon said premises, and all such animals as have been exposed to contagion or infection, under the following restrictions: The order must be a written one, and must be made in duplicate, and there must be a separate order and duplicate for each owner of the animals condemned, the original of each order to be filed by the Veterinary Surgeon with the Secretary of State, and the duplicate given to the owner. Before slaughtering any animal that has been exposed only, and does not show disease, the Veterinary Surgeon must call in consultation with him two practicing veterinary surgeons or physicians, residents of the State, or if this is impossible, then two stock owners, residents of the State, and he must have written indorsements upon his order of at least one of the consulting persons, stating that such action is necessary, before the animal is slaughtered.

Sec. 3006. Whenever, as in this Article provided, the Veterinary Surgeon orders the slaughter of one or more animals, he must at the time of making such order notify in writing the nearest available justice of the peace, who must thereupon summon three disinterested citizens, who are stock owners in the neighborhood, to act as appraisers of the value of the animal. The appraisers, before entering upon the discharge of their duties, must be sworn to make a true and faithful appraisement without prejudice or favor. They must, after making their appraisement, return certified copies of their valuation, a separate one be-



ing made for each owner, together with an accurate description of each animal slaughtered (giving all the brands, earmarks, wattles, age, sex and class, as to whether American, half-breed or Texan), to the justice of the peace by whom they were summoned, who must, after entering the same upon his record and making an indorsement upon each, showing it to have been properly recorded, return it together with a duplicate order of the Veterinary Surgeon, to the person owning the animal slaughtered; and it is the duty of the Veterinary Surgeon to superintend the slaughter of such animals as may be condemned, and also the destruction of the carcass, which latter must be by burning to ashes, or burying in the earth to the depth of not less than six feet, and which must include every part of the animal and hide, and also excrement as far as possible. If the owner of any animal found diseased by the Veterinary Surgeon is killed, or consents to its being killed by the Veterinary Surgeon without appraisement, then the Veterinary Surgeon must burn or bury it as herein provided.

Sec. 3007. The Veterinary Surgeon must make an annual report on or before the 1st day of October to the State Board of Stock Commissioners of all matters connected with his work, and the Board must make the same a part of their annual report to the Governor, and they must also transmit to the several Boards of County Commissioners such parts of the report as they consider necessary and of general interest to the breeders of live stock. The Board must also give information in writing, as soon as it is obtained, to the Governor and to the various Boards of County Commissioners, of each case, or supposed case, of disease in each locality, the cause, if known, and the measures adopted to check it.

Sec. 3008. Whenever the Governor has good reason to believe that any disease mentioned in this Article has become epidemic in certain localities in another State or Territory, or that conditions exist that render domestic animals and Texas cattle likely to convey disease, he must, by proclamation, designate such localities, and prohibit the importation therefrom of any live stock of the kind diseased into this State, except under such restrictions as he, after consultation with the Veterinary Surgeon, may deem proper. Any person who, after the publication of such proclamation, knowingly receives in charge any animal from any of the prohibited districts, and transports or conveys the same with-



in the limits of this State, is punishable as provided in Section 1175, of the Penal Code, and is further liable for any and all damages and loss that may be sustained by any person by reason of the importation or transportation of such prohibited animals.

Sec. 3009. It is the duty of any person who has upon his premises, or upon the public domain, any case of contagious or infectious disease among such animals, to immediately report the same to the Veterinary Surgeon, and a failure to do so, or any attempt to conceal the existence of such disease, or to willfully or maliciously obstruct or resist the Veterinary Surgeon in the discharge of his duties, is punishable as prescribed in Section 1176, of the Penal Code, and forfeits all claims to indemnity for loss from the State.

Sec. 3010. The following regulations must be observed in all cases of disease mentioned in this Article:

1. It is unlawful to sell, give away, or in any manner part with, any animal affected with, or suspected of being affected with, contagious or infectious disease; and in case of any animals that may be known to have been affected with or exposed to any such disease, within one year prior to such disposal, due notice of the fact must be given in writing to the party receiving the animal.

2. It is unlawful to kill for the purpose of selling the meat, any such animal, or to sell, give away or use any part of it or its milk, or to remove any part of the skin. A failure to observe these provisions is punishable as provided in Section 1176, of the Penal Code. It is the duty of the owner or the person having in charge any such animal affected with, or suspected of being affected with, any contagious or infectious disease, to immediately confine the same in a safe place, isolated from other animals, and with all necessary restrictions to prevent dissemination of the disease, until the arrival of the Veterinary Surgeon. These regulations apply as well to animals in transit through the State as to those resident therein; and the Veterinary Surgeon, or his duly authorized agent, has authority to examine, in car, yard, pastures or stables, or upon the public domain, all such animals, and on detection of disease, to take possession of, and treat and dispose of the animals in the same manner as provided by this Article.

Sec. 3011. All claims arising from the slaughter of animals, under the provisions of this Article, together with the order of

the Veterinary Surgeon, and the valuation of the appraisers in each case, must be submitted to the State Auditor, and for each claim that he finds to be equitable and entitled to indemnity under this Article, must issue to the person entitled thereto, his warrant on the stock indemnity fund in the State treasury for the sum named in the appraiser's report. In auditing any claim under this Article, the Auditor must satisfy himself that it does not come under any class for which indemnity is prohibited by this Article, and he must require the affidavit of the claimant to this fact, or if the claimant be not cognizant thereof, then of some reputable person who is cognizant thereof, and also the certificate of the Veterinary Surgeon, whose duty it is to inform himself fully of the fact, that in his opinion the claim is legal and just, and the Auditor may, in his discretion, require further proof.

Sec. 3012. The indemnity granted is the value of the animal as determined by the appraiser with reference to its diminished value because of being diseased or having been exposed to disease. The indemnity must be paid to the owner upon his application and the presentation of the proofs prescribed therein, and such application must be made within six months after the slaughtering of the animal, or the claim is barred. The right to indemnity under this Article is limited to animals destroyed by reason of the existence of some epizootic disease generally fatal and incurable, such as rinder-pest, hoof and mouth disease, pleuro-pneumonia, anthrax or Texas fever, among bovines, and glanders among horses, mules and asses. For the ordinary contagious diseases, not in their nature fatal, such as epizootic and influenza in horses, no indemnity must be paid. The right to indemnity does not exist, and the payment of such must not be made, in the following cases:

1. For animals belonging to the United States.
2. For animals that are brought into the State contrary to the provisions of this Article.
3. For animals that are found to be diseased, or that are destroyed because they have been exposed to disease before or at the time of their arrival in the State.
4. When an animal was previously affected by any other disease, which from its nature and development, was incurable and necessary fatal.
5. When an owner or person in charge has knowingly or negligently omitted to comply with the provisions of Section 3009 and 3010 of this Article.

6. When an owner or claimant, at the time of coming into possession of the animal knew it to be diseased, or received the notice specified in the first clause of Section 3010 of this Article.

7. When the animal has been brought into the State within ninety days immediately preceding the outbreak of disease, on account of which such animal was killed.

Sec. 3013. The Veterinary Surgeon receives for his services an annual salary of twenty-five hundred dollars. No person must receive the appointment of State Veterinary Surgeon who is not a graduate in good standing of a recognized college of veterinary surgeons, either in the United States, Canada or Europe.

Sec. 3014. The appraisers mentioned in this article receive three dollars for each day or part of a day they are actually employed, which must be paid from the State treasury out of the stock indemnity fund in this Article provided, upon vouchers which bear the certificate of the justice who summoned them. The justice receives his ordinary fee for issuing a summons, to be paid out of the stock indemnity fund. The persons called in consultation by the Veterinary Surgeon each receive three dollars for each day or part of a day they are actually employed, and ten cents per mile for distances actually traveled, which sums must be paid from the State treasury out of the stock indemnity fund upon vouchers certified to by the Veterinary Surgeon. The incidental expenses in causing animals to be slaughtered and their carcasses to be burned, and disinfecting infected premises, must be paid from the State treasury out of the stock indemnity fund, upon vouchers.

Sec. 3015. The liability for indemnity for animals destroyed and for fees, costs and expenses incurred under the provisions of this Article in any year is limited by, and must in no case exceed the amount especially designated for the purpose and for that period, by the terms of that article; nor must the Veterinary Surgeon or any one else incur any liability under the provisions of this Article in excess of the surplus in the stock indemnity fund hereinafter provided; nor must any act be performed or property taken under the provisions of this Article become a charge against the State.

Sec. 3016. The Board of County Commissioners of each county must, at the time of making the annual assessment, levy a special tax not exceeding one-half of one mill on the dollar upon the assessed value of all cattle, horses, mules and asses in the coun-

ty, to be known as the "Stock Indemnity Fund"; said tax must be collected and paid to the State Treasurer in the manner provided by law for the levying, collection and payment of other State taxes, which fund constitutes the indemnity fund specified by this Article to be used in paying for animals destroyed and for fees, costs and expenses provided under the provisions therefor. It must be used exclusively for that purpose, and must be paid out by the State Treasurer as provided in this Article.

Sec. 3017. The Veterinary Surgeon must select the place where stock must be quarantined.

Sec. 3018. The Veterinary Surgeon has power to appoint, from time to time, one deputy, at any time he can not personally attend to all the duties required by his office, at a salary not to exceed five dollars per day for each day actually employed, together with his actual and necessary traveling expenses, to be paid out of the stock indemnity fund.

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### Sheep Inspection.

Sec. 3030. The State Veterinary Surgeon, upon the request of the president or secretary of any organized woolgrowers' association in any county in the state, or of any three sheep owners in any county, must appoint a capable person as Deputy Inspector in such county, who holds his office during the pleasure of the Veterinary Surgeon and must perform the duties hereinafter prescribed.

Sec. 3031. The Deputy Inspector must be a resident of the county for which he is appointed. He must, before entering upon the duties of his office, take the constitutional oath of office.

Sec. 3032. The Deputy Inspector must inspect all sheep within his county of which he may receive notice, as provided in the next Section, and in case he finds the same are not diseased, he must make and issue a certificate stating such fact. But if the sheep are diseased, or have been herded upon the range or in corrals which have within the past ninety days previous thereto been used or occupied by any diseased or infected sheep, the regulations for their quarantine, holding and keeping, must at once be made by such deputy. Each Deputy Inspector so appointed must personally supervise the dipping of every band of scabby sheep within his county, and appoint the date for each and every dipping; he has the right to determine and superintend the pro-



portion and mixture of materials, and must cause all sheep quarantined to be distinctly marked.

Sec. 3033. Upon the receipt of information, in writing, of any of the facts mentioned in the preceding Section, the Deputy Inspector must immediately cause the diseased sheep, and all sheep running in the same flock with them, to be examined, and if found so diseased, to be quarantined and held with a certain limit or place, to be defined by him, and such sheep must be held in quarantine until the owner, or person in charge, has eradicated such scab or infectious disease. The expense of feeding, holding, dipping, marking and taking care of all sheep quarantined under the provisions of this Article must be paid by the owner, agent or person in charge of such sheep.

Sec. 3034. Whenever the Governor, by proclamation, quarantines sheep for inspection, as provided in the next Section, any sheep brought into Montana, the Deputy Inspector of the county in which such sheep may come must immediately inspect the same, and if he finds that they are infected with scab, or any other infectious disease, he must cause the same to be held within a certain limit or place in his said county, to be defined by him, until such disease has been eradicated, as provided in the next preceding Section.

Sec. 3035. Whenever the Governor has reason to believe that any disease mentioned by this Article has become epidemic in certain localities in any other State or Territory, or that conditions exist that render sheep likely to convey disease, he must thereupon, by proclamation, designate such localities and prohibit the importation from them of any sheep into this State, except under such restrictions, as he, after consultation with the Veterinary Surgeon, may deem proper. Any person who, after publication of such proclamation, knowingly receives in charge any such sheep from any of the prohibited districts and transports or conveys the same to and within the limits of any of the counties of this State, is punishable as provided in Chapter II, Title XV, Part I, of the Penal Code, and is liable for all damages that may be sustained by any person by reason of the importation or transportation of such prohibited sheep.

Sec. 3036. Upon issuing such proclamation the owners or persons in charge of any sheep being shipped into Montana, against which quarantine has been declared, must forthwith notify the Deputy Inspector of the county into which such sheep



first come, of such arrival, and such owner or person in charge must not allow any sheep so quarantined to pass over or upon any public highway, or upon the ranges occupied by other sheep, or within five miles of any corral within which sheep are usually corralled until such sheep have first been inspected, and any person failing to comply with the provisions of this Section is punishable as provided in Chapter II, Title XV, Part I, of the Penal Code, and is liable for all damages sustained by any person by reason of the failure to comply with the provisions of this Section.

Sec. 3037. In no case must any scabby sheep be allowed to be removed from one point to another within any county, or from one county to another, or any sheep that have within one year been scabby, without a written certificate from the Deputy Inspector. Such sheep may be transferred and removed with the written consent of all the sheep owners or managers along the route, and in the vicinity of the proposed location, except those mentioned in the preceding Section. Any person violating the provisions of this Section is punishable as prescribed in Chapter II, Title XV, Part I, of the Penal Code.

Sec. 3038. Upon the arrival of any sheep into this State from any other country, State or Territory, the owner or agent in charge must immediately report to the Deputy Inspector of the county in which such sheep first come for inspection, and such deputy must immediately inspect the same. If the owner or agent fails to report for inspection, the person so offending is punishable as provided in Chapter II, Title XV, Part I, of the Penal Code. The expense of such inspection must be borne by the owner, and is a lien upon the sheep, which may be sold to satisfy the lien, as provided by law.

Sec. 3039. The Deputy Inspector in each county receives for his services, while necessarily employed in inspection, not exceeding eight dollars per day, which includes all traveling expenses, of whatever kind and nature, incurred in going to and from the places where such inspection is had. When a Deputy Veterinary Surgeon, as provided in Section 3018, of this Code, is permanently located in a county, it is his duty to perform the duties imposed in this Article upon Deputy Inspectors, and for his services receives the same compensation as the deputy inspector, which must be paid in the same manner.

Sec. 3040. Whenever any Deputy Inspector files in the office

of the State Auditor proper vouchers, duly approved by the Veterinary Surgeon, setting forth :

1. The name in full of such Deputy Inspector.
2. The kind and nature of the services rendered.
3. The particular locality where the work was done.
4. The time when and the length of time employed.
5. The number of sheep inspected and the name of the owner or person in charge.
6. The disease or diseases treated and the number treated for each disease, and the length of time of such treatment and the result.
7. The amount claimed and the value of such service.

The State Auditor must audit the same, and if found correct, draw a warrant in favor of such Deputy Inspector, payable out of any moneys in the "Sheep Inspector and Indemnity Fund."

Sec. 3041. Every deputy appointed under the provisions of this Article, must keep a book to be known as the "Inspection Record," in which he must enter and record all his official acts and proceedings. Such record must particularly show the name of the owner of every flock of sheep inspected, when the same was inspected, and the number in each flock, the result of such inspection, the names of the persons to whom certificates have been granted and when, and all orders and directions made in relation to any matters herein designated.

Sec. 3042. Any person who fails to comply with or disregards any order or directions made by any Deputy Inspector under the provisions of this Article, is punishable as provided in Chapter II, Title XV, Part I, of the Penal Code.

Sec. 3043. It is unlawful for any person to bring into the State any sheep infected with scab or other contagious disease. Every person so offending is punishable as provided in Chapter II, Title XV, Part I, of the Penal Code.

Sec. 3044. Every Deputy Inspector must, on or before the first day of August of each year, report to the State Veterinary Surgeon, in writing, showing from his inspection record particularly the matters therein contained since his last report, and the Veterinary Surgeon must embody the information thus given in his report to the Governor.

Sec. 3045. The Veterinary Surgeon, if necessary, may appoint more than one Deputy Inspector in a county, and may define the particular part of the county in which a deputy is to perform his duties, and any deputy appointed under the provisions of this

Article who, under and by virtue of the powers conferred upon him by reason of such appointment, oppresses, wrongs or injures any person, is punishable as provided in Section 301, of the Penal Code.

Sec. 3046. The Board of County Commissioners, at the time of the annual levy of taxes, must levy a special tax, not exceeding one half of one mill on a dollar, or so much thereof as is necessary, on the assessed value of all sheep in the county, and the money collected from such tax constitutes the "Sheep Inspector and Indemnity Fund." Such tax must be collected in the same manner as other taxes and paid into the State Treasury, as other State taxes are. The money in the "Sheep Indemnity and Inspector Fund" must be used in the payment of the salaries and expenses of the Deputy Sheep Inspector, as provided in this Article, and all other expenses arising thereunder, except the salary of the State Veterinary Surgeon. All other salaries and expenses must not be a charge against the State.

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### Quarantine Regulations.

Penal Code.

Sec. 1169. Every person who removes from one point to another in any of the counties of this State, or from one county to another, any scabby sheep, or any sheep that have been scabby within one year, without the written certificate of the sheep inspector, or the written consent of all the sheep owners or managers along the route, and in the vicinity of the proposed location, is punishable by a fine not exceeding one thousand dollars. This Section does not apply to scabby sheep imported into this State and against which quarantine has been declared.

Sec. 1170. Every person who brings into this State sheep infected with scab or other infectious disease, or any horses, mules, asses or cattle infected with any contagious disease, is punishable by a fine not exceeding five hundred dollars.

Sec. 1171. Every person who fails to comply with or disregards any lawful order or direction made by the State Veterinary Surgeon, or deputy, or deputy sheep inspector, under the provisions of the Political Code concerning scab and other contagious diseases among sheep, or to prevent the spread of disease among cattle, is punishable by a fine not exceeding five hundred dollars.

Sec. 1172. Every person who, after the publication of the pro-

clamation of the Governor of this State prohibiting the importation of diseased sheep into this State, knowingly receives any such sheep from many of the prohibited districts, or transports the same within the limits of the State, is punishable by a fine not exceeding five hundred dollars.

Sec. 1173. Every person in charge of sheep being shipped into this State, against which quarantine has been declared, as specified in the last preceding section, and fails to notify the deputy inspector of the county in which such sheep are brought, or allows any such sheep to pass over or upon any public highway, or upon the ranges occupied by other sheep, or within five miles of any corral in which sheep are regularly corralled, before such sheep are inspected as provided by law, is punishable by a fine not exceeding five hundred dollars.

Sec. 1174. Every person who imports into this State any cattle, horses, mules or asses, after the Governor has made proclamation holding in quarantine for the purpose of inspection for contagious or infectious diseases, such animals, and allows the same or any of them to leave the place of their first arrival in this State, until they have been examined by the State Veterinary Surgeon, and a certificate has been obtained therefrom that such animals are free from disease, or permits any of such animals to run at large, or to be removed, or to escape before such certificate has been received, is punishable by a fine not exceeding five hundred dollars. This Section does not apply to any animals driven in harness, or under yoke, or ridden by their owners into this State.

Sec. 1175. Every person who, after the publication of such proclamation, knowingly receives or transports within the limits of this State, any animal mentioned in the preceding Section, before the certificate mentioned therein has been given, is punishable by a fine not exceeding ten thousand dollars.

Sec. 1176. Every person who owns or has the custody of any cattle, horses, mules or asses, infected with a contagious disease, and fails to immediately report the same to the State Veterinary Surgeon, or conceals the existence of such disease, or attempts to do so, or willfully obstructs or resists the said Veterinary Surgeon in the discharge of his duty as provided by law, or sells, gives away or uses the meat or milk, or removes the skin or any part of such animal, is punishable by a fine not exceeding five hundred dollars.



Sec. 1193. It is unlawful for any person having in charge any horse, mules, ass, sheep, hog or cattle, affected with a contagious disease, to allow such animal to run on any range or to be within any inclosure where they may come in contact with any other animal not so diseased.

All animals so affected must be immediately removed to an inside inclosure secure from other animals, or must be herded six miles away from any farm or ranch or from any other stock running at large or being herded.

Every person who neglects or refuses to remove, or inclose, or herd, as aforesaid, such diseased animals, is guilty of a misdemeanor and liable in damages to the party injured.

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### **Slaughtering or Selling Diseased Cattle or Meat.**

Section 1. Any person who shall slaughter, sell or offer for sale for the purpose of food, any cattle having a big jaw or any other disease, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not exceeding five hundred dollars or be imprisoned in the county jail not exceeding one year, or by both such fine and imprisonment.

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### **Meat and Milk Inspection.**

Section 1. The office of Meat and Milk Inspector is hereby created for cities having a population of 5,000 inhabitants or over within the State of Montana, and immediately after the taking effect of this Act such cities shall appoint a Meat and Milk Inspector whose compensation shall be borne by the said cities, and shall be such as will secure the services of some competent and qualified person who shall take an oath of office to faithfully perform the duties of his office and to execute an official bond to the said city in the sum of \$5,000. No person shall be appointed to the office of Meat and Milk Inspector unless he is a graduate in good standing of some regular and reputable veterinary medical college, recognized by the American Veterinary Medical Association and admitted to practice within the State of Montana, and before such appointment he shall be required to exhibit his diploma as such graduate.

Sec. 2. It shall be the duty of the city council of all cities having a population required by this act to designate some place or



places in or adjacent to the city where the cattle, sheep or swine or other domestic animals intended for slaughter, sale and consumption for food in said city shall be brought for inspection on the hoof or where the meat of any such animal or animals shall be brought for inspection, which inspection shall be made without any unreasonable delay, and no fee or charge shall be made against or demanded of the owner or person who shall present any such animal or animals or meat intended for food for such inspection, but the same shall be inspected free of any expense whatever to the owner of said food animals intended for meat or on account of the services of such inspector. And it is hereby made the duty of such inspector to keep a correct record in a suitable and substantial book provided by the municipality for that purpose in which he shall record the name, place of residence and post office address of the owner or owners of all such animals intended for food and the carcasses or part of carcasses presented for inspection, together with brands and marks and a full description thereof.

Subdivision 2. The rules, regulations and methods of inspection adopted by the Bureau of Animal Industry, conducted by the United States Government, shall be taken as the standard of meat inspection and shall be followed as closely as may be consistent by the Meat and Milk Inspectors appointed by the said cities.

Sec. 3. Subdivision 1. All animals intended to be slaughtered for meat for human consumption shall be examined both before and after slaughter.

Subdivision 2. The carcasses of all animals so inspected on hoof shall be properly tagged and marked with the official tag or mark of such municipality before being offered for sale, and such carcass or parts of carcass of any of the animals mentioned in this Act where the animals shall not have been presented for inspection on hoof before being slaughtered shall be inspected before being offered or exposed for sale, and such carcass or carcasses or meat as shall be found upon such inspection and examination to be wholesome and fit for food shall be marked as above mentioned by the inspector with a tag similar in form and character to that used by the Bureau of Animal Industry, Department of Agriculture, which tag shall be adopted and designated by the city council of such municipality as the city stamp or certificate for the designation of wholesome and healthy meat.

Provided, that nothing herein contained shall be so construed as to prevent any person from slaughtering any healthy animal the meat of which is intended for his own use or that of his family, but shall not be offered for sale for public consumption.

Provided, further, however, that nothing in this Act shall be so construed as to permit any person to slaughter and offer for sale any meat or meats intended for domestic consumption before being inspected on the hoof, excepting where such slaughter may be conducted in a locality inaccessible to said municipal meat and milk inspector.

Sec. 4. It shall be the duty of the inspector to make inspection of the meats, carcasses and animals mentioned in this Act which may be presented for inspection at the place or places designated by the municipal council and keep the record aforesaid in the manner herein provided, which inspection or inspections shall be made by him as soon as possible and without unreasonable or unnecessary delay and he shall attach to all such meats so inspected and examined and found suitable and wholesome and fit for consumption a tag such as is prescribed above, indicating that fact.

Sec. 5. The Meat and Milk Inspector appointed by said cities shall have the right to condemn any meat, carcass or carcasses, or parts thereof, of all cattle, sheep, swine or other domestic animal intended for food which they find after examination to be unfit for food, and it shall be said inspector's duty to destroy all such condemned meat by slashing said meat and muscular tissue deeply in numerous places with a knife into which he shall then pour sufficient kerosene to taint such meat and make it impossible to be used for human consumption.

Sec. 6. It shall be unlawful to sell or offer for sale, buy or offer to buy, take or give away for the purpose of food, any animal suffering from hog cholera, swine plague, charbon or anthrax, rabies, malignant epizootic, catarrh, pyaemia and septicaemia, mange or scab in advanced stages, advanced stages of actinomycosis or lumpy jaw, inflammation of the lungs, the intestines or the peritoneum; Texas fever; extensive or generalized tuberculosis; animals in advanced stage of pregnancy or which have recently given birth to young; any disease or injury causing elevation of temperature or affecting the system of the animal to a degree which would make the flesh unfit for human food; any organ or part of the carcass which is badly bruised or affected by tuberculosis, actinomycosis, cancer, abscess, suppurating sore or tape worm

cyots ; animals too young and immature to produce wholesome food ; animals too emaciated and anaemic to produce wholesome meat ; distemper, glanders and farcy or any other malignant disorder ; acute inflammation lameness and extensive fistula.

Sec. 7. Any person or persons, company or corporations which shall sell or offer for sale, buy or offer to buy, take or give away within the limits of said city any carcass or carcasses or portions thereof of any cattle, sheep or swine or other domestic animal which has not been inspected and tagged as herein required, except as herein stated, or shall violate any of the provisions of this Act, shall be guilty of a misdemeanor and upon conviction thereof be punished by a fine of not less than \$50 nor more than \$500 for each separate offense.

Sec. 8. Nothing in this act nor any paragraph thereof shall be so construed as to interfere with the offering for sale of any meats bearing a stamp or tag indicating that the same has been inspected by the United States Bureau of Animal Industry or of any state, county or municipal meat inspector where regulations equal to those prescribed herein are observed. Provided, however, that if there is any reason to believe that such meat is in a putrid, decaying or unwholesome condition, it shall be said municipal meat and milk inspector's duty to inspect such meat whenever complaint is made to him relative thereto, and should he find such meat in a putrid, decaying or unwholesome condition, it shall then be his duty to destroy such meat as is herein provided.

Sec. 9. It shall be the duty of said Meat and Milk Inspector to inspect each dairy supplying milk to such municipality, not less than once in every month of the calendar year.

And it shall be the duty of such inspector to issue to each person or persons or corporations supplying milk to the citizens of such municipality a certificate of health every ninety days, which certificate of health shall include a certificate of the sanitary conditions of said dairy and must specify each and every cow within said dairy from which milk is supplied to the public.

Sec. 10. It shall be a misdemeanor for any dairyman, person, persons or corporation to feed unwholesome food of whatsoever character and for each offense the owner or owners of such dairy shall be fined not less than \$50 nor more than \$500. Each dairyman, person, persons or corporation supplying milk to the public must have for each cow a certificate of health, including the tu-

berculin test made by said inspector, stating that said cow is free from tuberculosis or consumption or any infectious or other disease whatsoever.

Subdivision 2. Any dairyman having in his own family or among his employes, or about his premises any one suffering from diphtheria, scarlet fever, Typhoid fever or any infectious or contagious disease that may or might contaminate said milk, is prohibited from selling said milk to the public for such period as such disease or diseases exist in his or her family or among his or her employes and said inspector has satisfied himself that such premises have been thoroughly disinfected and has issued a certificate so stating.

Sec. 11. The milk supplied by said dairies or purveyors of milk, shall not contain less than three percentum of butter fats or less than twelve percentum of total of milk solids, and shall come up to a normal and accepted specific gravity test for milk not less than 1025.

Sec. 12. When, in the belief of the said meat and milk inspector proper cleanliness of the buckets, pans, cans, and other utensils used about accumulating, handling and marketing of said milk is not up to the proper standard, it shall be the inspector's duty to prohibit said dealer, person or persons or corporations, from selling milk until such time as proper methods of cleanliness and precaution are used in the handling.

Sec. 13. All persons or corporations engaging in the dairy business and supplying milk to the citizens of said municipalities shall keep their barns and stables free from filth or dirt or rubbish or manure likely to harbor or favor the growth of disease,—producing germs within or about their stables likely to be carried within said milk.

Sec. 14. It shall be the duty of said inspector to stop at any time he may deem fit any dairy wagon, cart or vehicle of any character, person, or persons hauling, carrying or conveying milk that is intended for public consumption, and there and then take cognizance of any irregularity in such milk or the method of handling or distributing said milk. He shall ascertain if it is not up to the regular standing, or the recognized standard to which milk should come, and if he finds said milk deficient in any of its nutritive qualities or to contain any drug or preservative or coloring matter or other extraneous matter, he shall then and there condemn such milk; and such dairyman or milkman, or



person or persons or corporation whose product shall be condemned shall be prohibited from selling any milk until they shall have received a written permit from said inspector permitting him so to do. Provided, that such inspector, if requested by such dairyman, take from the same can of milk from which he shall have taken any quantity of milk for the purpose of testing the same at least one pint of such milk, place the same in a bottle, adding sufficient formaldic hyde to such milk to prevent fermentation and seal and mark such milk in such manner as to identify the same and deliver the same to such dairyman who may have said milk analyzed and tested by any chemist competent to test and analyze such milk in order that said dairyman may ascertain the correctness of the inspector's analysis of such milk. Provided, that at the time of taking such specimen for said dairyman and for said inspector a third specimen shall be taken by said inspector consisting of not less than one pint of said milk, which shall be taken from the same can from which the other specimens were taken which must be sealed in the presence of said dairyman, person, persons or agent and which said specimen shall be immediately forwarded to the Chemist of the Agricultural Experiment Station at Bozeman for analysis, and said chemist of said Agricultural Experiment Station shall in all cases when so requested by said dairyman, person or persons or corporation act as umpire in said chemical analysis.

Sec. 15. Any resident of the State of Montana to whose knowledge or observation comes the fact that any dairyman, person or persons or corporation is supplying milk from any diseased cattle, or cattle fed on stable bedding, stable refuse or other improper food of any character whatsoever, it shall be his duty to at once notify said inspector of such municipality who shall at once visit the premises or place indicated and if he finds the complaint to be true it shall then be the said inspector's duty to at once prohibit the further selling of the product of such dairy or dealer and at once file an information against said dairyman, person, persons, corporation or dealer in the nearest court.

Sec. 16. This act shall apply to all the products of the dairy in any municipality to which this Act applies where sold in the state, county or any municipality to which the district covered by said inspector belongs.

Sec. 17. It shall be a misdemeanor to adulterate milk in any manner whatsoever in a way likely to produce an unwholesome



change in said milk, or disease to the consumer, and such milk shall be prohibited from exposure to sale, and any violation of this section shall be a misdemeanor and be punished as is herein mentioned within the meaning of this Act. The use of any product or any unnatural method whatsoever for the preservation or changing of milk excepting pasteurizing or sterilization, shall be a misdemeanor and be punished as is provided for in this Act.

Sec. 18. Any city in the State of Montana having a population of less than 5,000 inhabitants, shall have the option of adopting the sanitary provisions of this Act. Provided, however, that it shall be unlawful to offer for sale, take or give away any meat from a diseased animal coming under the provisions of this act or any milk from a diseased cow or adulterated or chemically preserved milk or milk containing any extraneous substance within the provisions of this act within the State of Montana.

Sec. 19. Any violation of the provisions of this Act shall be a misdemeanor and shall be punished by a fine of not less than \$50 nor more than \$500 for each separate offense.

Sec. 20. This Act shall take effect and be in force from and after the first day of May, 1901.

Sec. 21. All Acts and parts of acts in conflict herewith are hereby repealed.

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### **He Goats and Rams Running at Large.**

Political Code.

Sec. 3060. It is unlawful for any owner or person having the management or control of any ram or he-goat to permit the same to run at large between the 1st day of August and the 1st day of December of each year.

Sec. 3061. Any person violating the provisions of this Article is guilty of a misdemeanor, and on conviction thereof must be punished as provided in Section 1164, of the Penal Code.

Sec. 3062. Any person damaged by rams or he-goats running at large during the time mentioned in the first Section of this Article, may recover in a civil action for any damages sustained thereby.

Penal Code.

Sec. 1164. Every person who owns, controls or has the custody of any ram or he-goat, and allows the same to run at large between the 1st day of August and the 1st day of December of each year, is punishable by a fine not exceeding twenty dollars.

### **Diseased Stock Running at Large.**

Sec. 3063. It is unlawful for the owner or for any person having in charge any horse, mule, ass, sheep or cattle affected with any contagious disease to allow such diseased animal to run on any range, or within any inclosure where such animals may come in contact with any other animal not so diseased. All animals so affected with contagious disease must be at once removed by the owner thereof, or the person in charge of the same, to some secure inside inclosure, where contact with other animals by reaching over or through the fence of such inclosure will be impossible, or must be strictly herded six miles away from any farm or from any other stock running at large or being herded. Every person who knowingly neglects or refuses to remove or to so inclose or herd away from farms or other stock such diseased animals affected with contagious disease, after having received notice of their diseased condition, is punishable as provided in Section 700, of the Penal Code, and is liable for damages to the party injured.

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### **Stallions Running at Large.**

#### **Penal Code.**

Sec. 1163. Every person who owns a stud horse, ridgeling or unaltered male mule or jackass over the age of eighteen months, and allows the same to run at large, is punishable by a fine not exceeding fifty dollars. Any person may take any such animal, and if the same is not claimed in five days, may castrate him at the expense of the owner.

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### **Swine Running at Large.**

#### **Penal Code.**

Sec. 1165. That hereafter it shall be unlawful for any owner or owners of swine to permit the same to run at large.

Sec. 1166. Any person or persons violating Section 1165 of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in the sum of ten dollars for the first offense and in the sum of twenty dollars for each subsequent offense, and shall be liable in damages to any party injured thereby to be recovered in any court having competent jurisdiction.

### Mischievous Animals at Large.

Penal Code.

Sec. 697. If the owner of a mischievous animal, knowing its propensities, willfully suffers it to go at large, or keeps it without ordinary care, and such animals while so at large, or while not kept with ordinary care, kills any human being who has taken all the precautions which the circumstances permitted, or which a reasonable person would ordinarily take in the same situation, is guilty of a felony.

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### Cruelty to Animals.

Penal Code.

Sec. 1090. Every person who overdrives or overloads, tortures or cruelly beats or unjustifiably injures, maims, mutilates or kills any animal, whether wild or tame, and whether belonging to himself or another, or deprives any animal of necessary food or drink, or neglects or refuses to furnish it such food or drink, or causes, procures or permits any animal to be overdriven, overloaded, tortured, cruelly beaten or unjustifiably injured, maimed, mutilated or killed, or to be deprived of necessary food or drink, or who willfully instigates or in any way engages in any act of cruelty\* to any animal, is guilty of a misdemeanor.

Sec. 1091. Every person being the owner or in possession, or having charge or custody of a maimed, diseased, disabled or infirm animal, who abandons or leaves it to die in a street, highway or a public place, is punishable by imprisonment not exceeding thirty days, or by a fine not exceeding fifty dollars, or both, and all necessary expenses incurred in taking care of said property shall be charged to such person.

Sec. 1092. Every person who has impounded or confined any animal and refuses and neglects to supply such animal, during its confinement, with sufficient food, shelter and water, is punishable by imprisonment in the county jail not exceeding thirty days, or by a fine not exceeding one hundred dollars, or both.

Sec. 1093. Every person who carries, or causes to be carried, in or upon any car, vessel or vehicle, or otherwise, any animal in a cruel manner, so as to produce torture, is guilty of a misdemeanor.

### **Poisoning Animals.**

Sec. 1094. Every person who willfully administers any poison to an animal the property of another, or maliciously exposes any poisonous substance with the intent that the same shall be taken or swallowed by any such animal, is punishable by imprisonment in the State prison not exceeding three years, or in the county jail not exceeding one year, or by fine not exceeding five hundred dollars, or by both fine and imprisonment.

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### **Feeding Unwholesome Food.**

Sec. 1095. Every person who keeps a cow or any animal for the production of milk in a crowded or unhealthy place or in a diseased condition, or feeds such or animal upon any food that produces impure or unwholesome milk, is punishable by imprisonment in the county jail not exceeding three months, or by fine not exceeding two hundred dollars, or both.

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### **Prohibiting Cock Fight, Dog Fight or Bull Fights.**

Sec. 1096. Every person who instigates, promotes or carries on, or does any act as principal, assistant, referee or umpire, or is a witness of or in any way aids in the furtherance of any fight between cocks or other birds, or dogs, bulls, bears, or other animals premeditated by any person owning or having custody of such birds or animals, is punishable by imprisonment in the county jail not exceeding three months, or by fine not exceeding two hundred dollars, or both.

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### **Leaving Dead Carcasses.**

Penal Code.

Sec. 1168. Every person who removes the skin from an animal and leaves the carcass within one-quarter of a mile of a dwelling, is punishable by a fine not exceeding twenty-five dollars.

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### **Auctioning Stock.**

Penal Code.

Sec. 1177. Every person who sells at auction any horses, mules, asses or cattle, and fails to record in a book the name of the person who offers for sale said animals, the names of the

owners with their residences, the color, brand, mark, size and age of the animal offered for sale, or fails to keep said book open for the inspection of any person, is punishable by a fine not exceeding fifty dollars. This section does not apply to judicial sales.

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### **Driving Without Uniform Brand.**

Penal Code.

Sec. 1178. Every person who owns or has charge of any horses, cattle or sheep which are driven into or through any part of this State, and fails to plainly brand or mark the animals so driven, so that such animals may be readily distinguished from other animals, is punishable by a fine not exceeding three hundred dollars.

Sec. 1179. All droves of horses, mules, cattle or sheep which may hereafter be driven from any other State or Territory of the United States, or any foreign country, into or through any county or counties of this State, shall be plainly branded or marked with one uniform brand or mark.

Sec. 1180. All such horses, mules and cattle shall be so branded with one distinct ranch or road brand of the owner or owners so as to show distinctly in such place or places as the owner may adopt.

Sec. 1181. All such sheep shall be marked distinctly with such mark or device as may be sufficient to distinguish the same readily should they become intermixed or mingled with other flocks of sheep in this State.

Sec. 1182. Any such owner or owners, person or persons, in charge of such drove of stock which may be driven into or through this State, who shall fail to comply with the provisions of this Act, shall be fined in a sum not less than fifty dollars, nor more than three hundred dollars, together with costs of suit.

Sec. 1183. It shall be the special duty of the county attorney, sheriff, and any constable of each and every county in this State, to enforce the provisions of this Act.

Sec. 1184. All fines collected under the provisions of this Act shall be paid into the general school fund of the county in which judgment therefor is recovered.

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### **Driving From Range.**

Penal Code.

Sec. 1185. That any person or persons other than the owner



of, or his agents, who shall drive any horses, mules or cattle farther from their usual and customary ranges, than the nearest corral, and who shall neglect to return such horses, mules or cattle immediately to their accustomed range; provided they can have the use of such corral; shall be deemed guilty of a misdemeanor, and on conviction thereof before any justice of the peace in the State of Montana, shall be fined in any sum not exceeding one hundred dollars nor less than twenty-five dollars, to be collected as other fines are, and may also in the discretion of said justice of the peace be imprisoned in the county jail for a term not more than three months, or both. All fines collected under the provisions of this act shall be paid into the school fund of the county in which the said stock do most usually range and graze.

Sec. 1187. Every person who willfully drives or causes to be driven any cattle, horses, mules, sheep or swine from their customary range without the permission of the owner thereof, is punishable by imprisonment in the county jail not exceeding ninety days, or by fine not exceeding one hundred dollars, or both.

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**Branding Out of Season, or Using "Running Irons" or Bars.**  
Penal Code.

Sec. 1189. Every person save only an owner, and he only when branding on his own premises and in the presence of two responsible citizens, who marks or brands any calf or cattle that are running at large between the 1st day of December and the 10th day of May of the next ensuing year; and every person who shall at any time brand or cause to be branded or marked any horse, mule, cattle or head of cattle, sheep, swine or other animal one year old or older, with any piece of metal or implement, other than a branding iron, which branding iron shall be of the same design as the brand or mark owned by the party using it; or who shall so mark or brand, or cause to be marked or branded, any of the animals aforesaid with any piece or pieces of iron called "running irons," such as bars, rings, half or quarter circles; is punishable by imprisonment in the county jail of not exceeding six months, or by a fine of not less than twenty-five dollars, nor more than five hundred dollars, or both.

### **Leaving Carcasses in Streams or on Highways.**

Penal Code.

Sec. 676. Every person who puts the carcass of any dead animal, or the offal from any slaughter pen, corral or butcher shop, into any river, creek, pond or reservoir, stream, street, alley, public highway or road in common use, or who attempts to destroy the same by fire within one-fourth mile of any city, town or village, and every person who puts the carcass of any dead animal, or any offal of any kind, in or upon the borders of any stream, pond, lake or reservoir from which water is drawn for the supply of the inhabitants of any city or town in this State, so that the drainage from such carcass or offal may be taken up by or in such stream, pond, lake, reservoir, or who allows the carcass of any dead animal, or any offal of any kind, to remain in or upon the border of any such stream, pond, lake or reservoir within the boundaries of any land owned or occupied by him, or who keeps any horses, mules, cattle, swine, sheep or live stock of any kind, penned, corralled or housed on, over or on the borders of any such stream, pond, lake or reservoir, so that the waters thereof shall become polluted by reason thereof, is guilty of a misdemeanor, and upon conviction thereof shall be punished as prescribed in Section 677 of this Code.

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### **Violating Laws for Public Health.**

Sec. 677. Every person who willfully violates any of the laws of this State, relating to the preservation of the public health, is, unless a different punishment is prescribed by this Code, punishable by imprisonment in the county jail not exceeding one year, or by fine not exceeding one thousand dollars, or both.

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### **Driving Fast or Stock Over Bridges.**

Penal Code.

Sec. 688. Every person who willfully rides or drives faster than a walk, on or over, any public bridge, and every person who drives any loose stock, such as horses, mules or cattle over any public bridge in a larger number than fifteen head at a time, is punishable by a fine not exceeding twenty dollars.

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### **Selling Glandered or Diseased Horses.**

Penal Code.

Sec. 700. Any person who shall knowingly sell or offer for,

sale or use, or expose or who shall cause or procure to be sold or offered for sale, or used, or exposed, any horse, mule, or other animal having the disease known as glanders, farcy, or any contagious disease, or violates any of the provisions of Section 3063, of the Political Code, is guilty of a misdemeanor.

Sec. 701. Every animal having glanders or farcy, shall at once be deprived of life by the owner or person having charge thereof, upon discovery or knowledge of its condition; and any such owner or person omitting or refusing to comply with the provisions of this Section, is guilty of a misdemeanor.

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### Legal Fences.

#### Political Code

Sec. 3250. The following are legal fences, and must not be less than four and one-half feet in height:

1. All fences constructed of at least one strong pole, rail or board, and three of either barbed wires or strong poles, rails or boards, or both, so that there be three altogether thereunder, which lower three, whether all barbed wires or poles, rails or boards and barbed wires, may be arranged at the pleasure of the builder; but all must be firmly fastened as nearly equidistant as possible to substantial posts firmly set in the ground not more than twenty feet apart, or set to well supported substantial leaning posts, not more than twenty feet apart. But the lower pole, rail, board or barbed wire must not be more than one foot and a half above the ground.

2. All fences constructed of at least four barbed wires, the lowest of which must not be more than one foot and a half above the ground, securely fastened as nearly equidistant as possible to substantial posts firmly set in the ground, at a distance not exceeding thirty feet apart, with pickets at least five feet in length, interwoven in or fastened to said wires, between each two of said posts in such manner that there must not be more than five feet space between such pickets or posts and pickets.

3. All substantial worm fences and stone walls.

4. All rivers, hedges, mountain ridges and bluffs, or other barriers over or through which it is impossible for stock to pass. But none of the fences hereinbefore described are legal for stock-yards, or places where either grain, hay or straw is kept, but such place must be inclosed by a fence at least six feet high, constructed of one strong pole, board or rail, with at least five strong

rails, poles, boards, or barbed wires thereunder, securely fastened, as nearly equidistant apart as possible, to substantial posts, firmly set in the ground, not more than fourteen feet apart.

5. That all fences constructed of at least four barbed or other wires, the lowest of which must not be more than one foot and a half above the ground, securely fastened as nearly equidistant as possible to substantial posts firmly set in the ground at a distance not to exceed twenty feet apart. There shall be tags of zinc, tin or sheet iron, not less than three inches square, fastened to the top wire, not to exceed five feet apart.

6. All fences constructed of any standard woven wire filled fencing not less than three feet in height securely fastened to substantial posts set at a distance not exceeding 35 feet apart.

Sec. 3251. Any person constructing or maintaining any fence of any kind not prescribed in the next preceding section, is liable in a civil action for all damages caused by reason of injury to stock, resulting from such defective fence.

Sec. 3252. The owners of barbed wire fences must keep the same in repair, and any person receiving notice in writing that his barbed wire fence, or any part thereof, is down, or in such condition as to be likely to injure any live stock, and fails or refuses to repair such fence, is liable to pay damages in an amount equal to the value of any cattle, horse, mule or other domestic animal which may be injured by coming into contact with the fence.

Sec. 3253. The occupants of adjoining lands enclosed with fences must build and maintain partition fences between their own and the next adjoining enclosure in equal shares, so long as both continue to enclose the same; and such partition fence must be kept in good repair throughout the year, unless the occupants otherwise mutually agree.

Sec. 3254. If any occupant of land adjoining the enclosure of another enclose the same, upon the enclosure of such other person, he must, within three months thereafter, build his proportion of such partition fence, or refund to the owner thereof an equal proportion of the value, at that time, of any partition fence of such adjoining occupant.

Sec. 3255. Whenever any lands belonging to different persons in severalty have been enclosed and occupied in common, or without a partition fence between them, and one of such occupants desires to occupy his part in severalty, the other occupant



must, within six months after being notified in writing, build and maintain his proportion of such partition fence as may be necessary for that purpose; and in case of neglect or refusal to do so, the person giving such notice may build such fence at the expense of the person so neglecting or refusing, the amount expended to be recovered in an action, together with all damage he may sustain on account of such neglect or refusal.

Sec. 3256. If the occupants of adjoining lands have heretofore built or hereafter build their respective portions of a partition fence, and either of them at any time desires to suffer the land occupied by him to lie open, he may, after having given to the occupants of the adjoining land at least six months' notice of his intention so to do, remove his proportion of the partition fence, unless such adjoining occupant pay or tenders to him the value thereof; and if such fence be removed without notice, or after payment or tender of the value as aforesaid, the person removing the same is liable to the person injured for all damages he may sustain thereby.

Sec. 3257. In case any person neglects or refuses to repair or rebuild any partition fence which by law he ought to build or maintain, the occupant of the adjoining land may, after giving sixty days' notice that a new fence should be erected, or five days' notice in writing that the repairing of such fence is necessary, build or repair such fence at the expense of the party so neglecting or refusing, the amount so expended to be recovered from him; and the party so neglecting or refusing, after receipt by him of the notice above provided, is liable to the party injured for all damages he may sustain thereby.

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### **Trespassing Animals.**

Sec. 3258. If any cattle, horse, mule, ass, hog, sheep or other domestic animal break into any inclosure, the fence being legal, as hereinbefore provided, the owner of such animal is liable for all damages to the owner or occupant of the inclosure which may be sustained thereby. This Section must not be construed so as to require a legal fence in order to maintain an action for injury done by animals running at large contrary to law.

Sec. 3259. If any such animal breaks into an inclosure surrounded by a legal fence, or is wrongfully upon the premises of another, the owner or occupant of the enclosure or premises may take into his possession the animal trespassing, and keep the



same until all damages, together with reasonable charges for keeping and feeding. Any person who takes or rescues any such animal from the possession of the person in whose custody the same may be, without his consent, is liable to a penalty of not less than five nor more than twenty-five dollars for each of the animals so rescued, which may be recovered by such occupant or owner in any court of competent jurisdiction. Within twenty-four hours after taking such animal into his possession, the owner or occupant must give notice to the claimant of the animal, that he has taken up the animal, if known, or if unknown, he must post a like notice at some public place near the premises.

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### **Dangerous Fences.**

Penal Code.

Sec. 1194. That any person owning any land in this State, or if the owner is not a resident wherein such land is situated, his managing agent, or if such lands are leased, the lessor, who shall permit any barbed wire fence to remain down, or broken in such condition as to be dangerous to live stock, for the period of thirty days, (and the further period of ten days,) after personal service upon him of a notice in writing to repair said fence, shall be deemed guilty of a misdemeanor.

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### **Leaving Gates Open.**

Sec. 1159. Every person who willfully leaves open a gate leading into or out of any inclosed premises, whether inclosed by a lawful fence or not, is punishable by a fine not exceeding twenty-five dollars.

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### **Bounty Law.**

Penal Code.

Sec. 1124. Every person who violates any of the provisions of Section 3070, of the Political Code, relating to bounties for killing wild animals, is guilty of a misdemeanor and is punishable by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding six months, or both.

Political Code.

Section 3070. There shall be paid out of the fund in this Act hereafter created for the killing of the following named animals hereafter killed in the State of Montana, the following bounties: For each grown wolf five dollars, for each grown coyote five

dollars, and for each wolf or coyote pup five dollars; for each mountain lion seven dollars.

Section 3071. Any person killing any of the aforesaid animals to obtain the bounty thereon, shall, within ninety days of the date of the killing, exhibit or cause to be exhibited, the skin or skins of said animal or animals, including the tail and the skin from the entire head, including the entire ears thereof, and including the upper part of the jaw of the animal attached to the skin, to the county clerk of the county in which such animal or animals were killed, and shall at the same time file with said clerk, an affidavit setting forth that he killed, or caused to be killed, the animal or animals from which the skin or skins were taken; that the same were killed within the bounds of the county to whose clerk the same was presented; and the county clerk shall, before issuing the certificate hereafter provided for, require affidavit of two resident freeholders of the county, that they are acquainted with the person presenting the skin or skins, and that to the best of their knowledge and belief, the animal or animals, from which the skin or skins were taken, were killed within the limits of said county.

Section 3072. The County Clerk shall thereupon call to his assistance, either the county treasurer, or in his absence, the clerk of the district court, who being present, both shall, in order to prevent fraud, minutely examine each skin presented and should such examination disclose that the scalp and ears, with the skin from the entire head of such animal or animals, and the upper jaw attached thereto, has not been severed, punched, patched, or in any manner marked, the county clerk shall there, in the presence of the other official named above, mark each skin by severing just behind the ears, the entire skin of the head and face, including upper jaw attached thereto, embracing both ears, and then re-deliver the skin or skins to the person presenting the same, and shall, at the same time, make out and deliver to said person a certificate showing the number and kind of skins so marked by such severing, and the name of the person presenting, the fact of the filing of the affidavit herein provided for, and the examination made as required, and said certificate shall be duly signed by him in his official capacity and attested by the officer officiating with him; Provided, that when any doubt shall exist as to the kind of skin or skins presented, whether wolf or coyote, certificate shall be issued for the lesser bounty; and said county

clerk shall keep a record in a bound book, of all skins so marked and severed, showing the date, number and kinds, the names of the persons presenting the same and the name of the witnesses, which book shall be of official record; and the county clerk shall also retain the pieces of the skin or skins, severed by him, preserving, tagging and sealing the same on a wire kept for that purpose, to be preserved by him for public inspection, for a period of thirty days after such marking or severing, or until the same shall have been examined and inspected as hereinafter provided for; said pieces of skin or skins and the tag thereon to check and correspond with the description of same entered in said bound book as an official record; and at the expiration of said thirty days, the county clerk shall, in the presence of the other officer acting with him in the examination of the skin or skins, and of the chairman or chairman pro tem of the Board of County Commissioners hereinafter mentioned, destroy with fire such pieces of skin so severed by him and sealed on such wire for public inspection. And it shall be the duty of the chairman or chairman pro tem of the Board of County Commissioners to inspect, at least once in thirty days, the scalps or pieces of skins so retained by the county clerk and preserved and sealed on a wire as hereinabove described, and shall see that such scalps or pieces of skin check with the record of same kept by the county clerk, and that such scalps or pieces are destroyed in his presence; and in case any errors, fraud or irregularities of any sort are discovered in said record or in the pieces of skin or scalps so retained by the said clerk, the chairman, or chairman pro tem of the Board of County Commissioners, shall at once make report of same to the county attorney of the county in which such inspection is held. All services rendered by officials under this Act shall be without fee and charge.

Sec. 3073. Should any county clerk or officer officiating with him have reason to believe that any person presenting a skin or skins as above provided, has evaded the provisions of this Act to obtain the bounty unlawfully, he shall require satisfactory evidence of the time, place and manner of the killing of said animal or animals.

Sec. 3074. It shall be the duty of the State Auditor, upon the written order of the State Board of Examiners, to give the person presenting said order a warrant upon the State fund hereafter provided for, for the amount required to compensate, at

the bounty prices by this Act provided and awarded, for the number of animals mentioned in the order, taking a receipt on the back of the order of the person presenting for the full amount received; and the State Auditor and State Treasurer shall keep an account of all warrants so issued and paid and list them in their annual report to the Governor.

Sec. 3075. For the purpose of providing for the payment of the aforesaid warrants there is hereby created a fund to be known as the State Bounty Fund, and in addition to the twenty-five per cent. of all licenses now provided by law to be paid into the State treasury, by the respective county treasurers, there shall be paid into the said State treasury a further five per cent. of all said licenses, making a total of thirty per cent. thereof, payable into the State treasury, and seventy per cent. thereof to be retained by the respective counties collecting the same; and it is provided that the extra five per cent. of the said licenses thereby provided for to be paid into the State treasury shall, as received by the State Treasurer from time to time, be covered into and passed by him to the credit of said State Bounty Fund, and the said treasurer shall likewise cause to be deposited to the credit of said fund, from time to time, as he shall receive the same, of all proceeds of the tax levy next herein provided for.

Sec. 3076. It shall be the duty of the Board of County Commissioners of each county in this State, at the time of the levy of the annual tax, to levy a special tax of three mills on the dollar upon the assessed valuation of all cattle, horses, mules, asses and sheep in their respective counties, which tax shall be collected as other taxes upon like property, and when so collected shall be paid into the State Bounty Fund aforesaid, which said fund shall be preserved inviolate for the payment of bounties hereinabove provided for. And any county commissioner who shall refuse or interfere to prevent the levy of the tax aforesaid shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment.

Sec. 3077. If at the end of any fiscal year there shall be a surplus of said Bounty Fund, it shall be the duty of the State Treasurer, and he is hereby authorized to apply such surplus on the payment of warrants on outstanding Bounty Certificates, on the order of the State Board of Examiners.



Sec. 3078. Any person who shall falsely make, alter, forge or counterfeit any of said certificates or orders shall be deemed guilty of a forgery, and any person who shall swear falsely to any affidavit provided for by this Act, or procure the same to be done by another, with the intent of obtaining any one of said certificates or orders, shall be deemed guilty of perjury; and any person convicted of any of the offenses declared in this Section shall be punished by imprisonment in the State's prison for a term of not less than one year nor more than ten years.

Section 3079. Any person or persons who shall patch up any skin or scalp, or who shall present any punched or patched skin or scalp, or who shall bring in any skin or skins from other States or Territory, with intent to obtain the bounty on same fraudulently, or any officer who shall sign any certificate herein provided for without first counting the skins and examining same to determine the kind of skins, and to see that the skin from the scalp or head is properly severed and preserved as hereinbefore provided, or shall evade any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment, and that two-thirds of the fine, if the same is collected, or can be collected, be given to the informer, and the balance be covered into the State Bounty Fund.

Sec. 3080. Article VIII, of Chapter V, of Title VII, of Part III, Political Code, and all bounty laws, are hereby repealed, it being the purpose of this Act that hereafter no bounty shall be paid upon any animals save those mentioned in Section 3070 hereof.

But nothing in this act shall be construed to affect the liability of the State or county thereof for bounties earned in pursuance of existing laws.

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### **Canada Thistle and Obnoxious Plants.**

Penal Code.

Sec. 1197. Be it enacted that the weeds known as the Canada Thistle, the Scotch Bull Thistle and the Russian Thistle, are hereby declared to be a common nuisance for all the purposes of this Act.

Sec. 1198. Any person or persons owning any lands within



this State, or occupying or having control of any lands, whether within the plat of towns, villages or cities, or otherwise, within this State, knowingly permitting or suffering any Canada, Scotch Bull or Russian Thistle or Thistles to go to seed upon any land or lands thus owned, occupied or under control of such person or persons shall be deemed guilty of supporting and maintaining a common nuisance, and upon conviction thereof in any court of competent jurisdiction, of the offense, shall be punished by a fine not exceeding fifty nor less than five dollars.

Sec. 1199. In case any person or persons, railroad or other corporation, owning or occupying any lands within this State, under his or her or their control, as the case may be, shall refuse or neglect to destroy any Canada, Scotch Bull or Russian Thistle or Thistles growing or standing upon any land or lands so owned, occupied or controlled, on or before the 15th day of August, it shall be the duty of the county commissioners, road supervisors, or other person or persons having control of the public highways, streets or alleys where any such Thistle or Thistles may be found growing or standing, to immediately destroy or cause the same to be destroyed, and pay therefor at the same rate that is paid for road labor; and every supervisor or other person hereinbefore authorized to destroy said Thistles shall keep a correct account of all moneys paid out for that purpose, and charge the same to the person or persons or corporation owning, occupying or controlling the land or lands upon which said Thistle or Thistles were destroyed, and the person or persons or corporation owning, occupying or having control of such lands shall be liable in a civil action for the amount so charged against them and costs of suit; provided, that if any supervisor or other person having, under the authority of this Act, destroyed any of said Thistles, and is unable to find the owner of the land, or is unable to collect such money, the same shall be paid by the authorities of the town, village, city or county where such Thistles were destroyed; and provided, further, that in case any railroad company becomes chargeable under the provisions of this Section, the supervisors of the township where the same has become chargeable may certify the same to the county attorney of their county, whose duty it shall be to bring and prosecute a civil action against the railroad company for the amount so charged and the costs of suit aforesaid.

Sec. 1200. It is hereby made the duty of every person having

knowledge of any Canada, Scotch Bull and Russian Thistle or thistles growing or standing upon the lands of another to immediately destroy the same, or give the person owning or occupying such lands immediate notice thereof.

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### Inspection of Horse Shipments.

Section 1. From and after the passage of this Act, it shall be the duty of any and all persons removing or taking from this State in any manner whatsoever, any horse, mule, mare, colt, foal or filly, immediately before the shipment or removal of the same, and at the place from which the shipment is to be made, to cause the same to be inspected by a stock inspector, or the sheriff of the county, from which such stock is to be removed, as hereinafter provided.

Section 2. On receiving notice from any person that he desires to remove or take from this state to be sold or used outside of this state any of the class of animals mentioned in Section 1, it shall be the duty of any stock inspector, or the sheriff of the county from which such animals are to be taken, to inspect the same, by carefully noting the brands upon such animals, and otherwise describing such of said animals as may have no brands, and to keep a record of all such inspections in a book to be provided for that purpose by the county commissioners of each county. Such description shall contain:

1. The brands of all animals branded, and a description of animals not branded.
2. The number of animals inspected for removal.
3. The name of the owner or person removing the same.
4. The date of such inspection, with destination to which such animals are to be taken. If in the opinion of the officer making the inspection the person proposing to remove such stock is rightfully in the possession of the same he shall grant such person a certificate of inspection in duplicate, containing the matters herein provided, with the further statement that permission is granted to such person to remove such animals from this state. The person so receiving said certificates must deposit with the agent of the railroad company at the point from which the shipment is made the duplicate certificate referred to, which said duplicate must be filed by the agent, and must be at all times during business hours accessible to the public. The agent must

at the time of the receipt of the duplicate indorse upon the original certificate the date of the receipt of the duplicate.

If, however, the officers making such inspection, shall be of the opinion that such stock, or any portion thereof, is stolen, or otherwise wrongfully in the possession of the person proposing to remove the same, he shall withhold such certificate and permit to remove, until satisfactory assurance is given him of the rightful possession of such property by the person proposing to remove the same.

Section 3. Any railroad company or agent shipping or permitting to be shipped from any station, siding or stock yards, without first receiving the duplicate certificate herein provided for, and indorsing on the original the date of its receipt, any of the animals mentioned in Section 1 of this Act, and any person removing or attempting to remove any of said animals without first securing a certificate of inspection, or any person in any other way violating any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and on conviction in any court of competent jurisdiction, shall be fined in any sum not less than fifty dollars nor more than three hundred dollars and costs, and in default of payment of such fine and costs, shall be imprisoned in the county jail until such fine and costs are discharged, at the rate now provided by law. The fine herein provided for if collected shall be paid into the county treasury to the credit of the general fund of the county where said conviction is had.

Sec. 4. For the service of inspection herein provided for the officer making such inspection shall receive three dollars per day while engaged in making such inspection, and shall receive in addition thereto his necessary actual expenses, to be paid by the person for whom the inspection is made.

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### **Taxation of Stock Brought Into State For Grazing.**

Section 1. All live stock brought into this state by any person or persons whomsoever, for the purpose of being grazed for any length of time whatsoever, shall be taxed for the year in which such live stock shall be brought into the State.

Sec. 2. It shall be the duty of every person bringing live stock into any county in this State, for grazing purposes as herein before provided, to set out in a certificate under the hand of such person, or his agent, the number of live stock, with the

brands, if any, upon the same, and file the said certificate with the county clerk of the county in which said live stock shall be first brought for the above purpose.

Sec. 3. It shall be the duty of the county clerk, upon such certificate being filed as aforesaid, to keep an index of the same in his office for the inspection of all persons, and within ten days after the filing of the same to certify a copy of said certificate under his hand to the assessor of the County.

It shall be the duty of the County Assessor to immediately enter an abstract of said certificate upon the tax list for the current year. If such certificate is filed with Assessor prior to the annual levy of taxes by the board of county commissioners, such assessor shall enter said assessment upon his assessment rolls, unless such rolls have already been completed, in which event he shall make a supplemental report, including all assessments of this character.

If such assessment is made after the annual levy has been made, the said assessor shall transmit said copy to the County Treasurer of the county, who shall immediately enter an abstract of such certificate upon the tax list for the said year, and shall proceed to collect the sum of money due and payable, from the person so keeping and herding said live stock, or his agent, and in the event that it is necessary for the said treasurer to collect the taxes due upon such live stock by distress and sale of said live stock, and all necessary expenses and costs accruing from such sale shall be deducted in the same manner as is now provided by law for the collection of taxes assessed upon personal property, without any further warrant to him for that purpose.

Sec. 4. Any person named in Section 2 of this Act, or his agent, who shall bring live stock into this state for grazing purposes, prior to the levy of the regular tax by the board of county commissioners of the county into which the said live stock are brought, shall be required by the assessor of the county wherein the said live stock may be kept and herded to pay the sum of forty cents on each and every head of cattle, and ten cents on each and every head of sheep, or any other live stock, brought into such county for the purpose of grazing as aforesaid; provided, however, that the said payment of forty cents per head on cattle and ten cents per head upon sheep and other live stock, shall at the end of such year be returned to the said person pay-



ing the same, upon a showing that he has paid the regular annual tax in that county for that year, upon all of said property, the same as other persons have paid upon like property permanently located in this State; or such portion of said payment shall be returned as may exceed the amount of regular county taxes, for the said year; provided, that such rebate shall be paid in a county warrant or certificate of indebtedness, issued by order of the board of county commissioners of said county; and, provided, further, that any person so bringing any live stock into any county of this State from any other state or territory, in the manner hereinbefore provided, in lieu of the payment of the said forty cents on each and every head of cattle, and ten cents per head on each and every head of sheep or other live stock, may execute a bond to said county, with two or more sureties, to be approved by the county treasurer, conditional that such person will regularly enlist the said live stock for taxation in such county for that year, in the manner provided by law, and will punctually pay all taxes which may become due thereon during that year, and in such case the said charge of forty cents per head upon cattle and ten cents per head upon sheep and other live stock, shall not be collected.

Sec. 5. Any person named in Section 2 of this act, or his agent, who shall bring any live stock into this state for grazing purposes, and shall keep and herd the same in any county of the state without first filing said certificate, and without paying the amount of money per head, as hereinbefore provided, or giving the bond named in Section 4 of this Act, shall be fined in a sum of not less than ten dollars nor more than one hundred dollars and shall further forfeit and pay the sum of fifty cents for each and every head thereof, for the use of said county which said forfeit shall be collected by a civil action in the name of the county in which the said live stock are, or were, so kept and herded.

Sec. 6. It shall be the duty of the county commissioners of the county in which such live stock shall be kept and herded without having first complied with the provisions of this Act, upon receiving satisfactory information of such fact, to institute such civil action in the name of the county, against the person so keeping or herding such live stock, or his agent. If the owner of such live stock be not known to such commissioners, it shall be lawful to make the agent of such person, or any person hav-



ing the care and custody of such live stock the defendant in such action, and service of the summons upon such agent, or person having the care and custody of such live stock, shall be considered and held to be personal service upon the owner thereof.

Sec. 7. If any person having the care and custody of such live stock shall, pending an action instituted as provided in the last section, drive or move said live stock out of the county with intent to move the same out of the state, or with intent to evade the payment of the forfeiture hereinbefore named, upon affidavit to that effect being made and filed in, and action being brought to recover said forfeiture or tax herein provided, writs of attachment may issue as in civil actions and the proceedings therein shall be as in other cases except that no undertaking on attachment shall be required; and in addition thereto, any person so driving or moving such live stock shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, and by imprisonment in the county jail for not exceeding six months, for each and every offense.

Sec. 8. In addition to the other duties prescribed by law, the assessor of each county is hereby required to present to the board of equalization of each county, a statement setting forth such live stock and all other property which has not been assessed, or which has been assessed for less than its correct value, by reason of erroneous reports, and it shall be the duty of said board of equalization to immediately, while sitting as such board, investigate and in the event that the person owning such property has been assessed for a smaller amount of property, or a less valuation than should properly have been given, to correct such assessment in the manner provided for the correction of assessment of the board of equalization.

Sec. 9. Any county officer or member of the board of county commissioners or board of equalization, who shall fail to perform the duties prescribed in this Act, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars, nor more than five hundred dollars.

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